

Serial No. 10/067,539
Docket No. PU01-01165
(FUJI.016)

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REMARKS

An excess claim fee payment letter is submitted herewith for two (2) excess independent claims.

Claims 2-9, 11-16, and 18-26, 28, and 29 are pending in the present application.

Applicants gratefully acknowledge that claims 2-8, 11-15, 18-24, 26, 28, and 29 would be allowable if rewritten in independent form, and if the objection to claims 3-8 and 19-24 is overcome.

While Applicants believe that all of the claims (i.e., claims 1-29) are in condition for allowance, to speed prosecution, Applicants have rewritten allowable claims 2, 11, 18, 26, and 29 in independent form. Claims 1, 10, 17, and 27 correspondingly have been canceled without prejudice or disclaimer. Thus, claims 2, 11, 18, and 26 (and dependent claims 3-8, 12-15, 19-24, and 28) should be in condition for immediate allowance.

Also, claim 9 has been amended to depend from allowable claim 2, claim 16 has been amended to depend from allowable claim 11, and claim 25 has been amended to depend from allowable claim 18. Thus, claims 9, 16, and 25 also should be in condition for immediate allowance.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

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I. THE PRIOR ART REJECTION

With respect to the prior art rejections, claims 1, 9, 10, 16, 17, 25, and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rees (U.S. Patent No. 4,998,234).

As mentioned above, while Applicants believe that claims 1, 9, 10, 16, 17, 25, and 27 are in condition for allowance, to speed prosecution, Applicants have rewritten allowable claims 2, 11, 18, 26, and 29 in independent form, and also have amended claim 9 to depend from allowable claim 2, claim 16 to depend from allowable claim 11, and claim 25 to depend from allowable claim 18. Claims 1, 10, 17, and 27 have been canceled without prejudice or disclaimer.

Thus, Applicants submit that the amendments have rendered the rejection of claims 9, 16, and 25 moot, and that claims 9, 16, and 25 are in condition for immediate allowance. Therefore, the Examiner is requested to withdraw this rejection and to permit these claims to pass to immediate allowance.

II. CLAIM OBJECTION

The Office Action objects to claims 3-8 and 19-24. Particularly, the Office Action also objects to claims 3-8 and 19-24 because it is allegedly unclear how "a reference signal" of claims 3 and 19 is different from the reference signal already defined in claims 1 and 17, respectively.

Applicants respectfully note that claims 1 and 2 recite "*a reference level*", while claim 3 recites "*a reference level signal*" (emphasis added). Applicants respectfully submit that this is the first occurrence of the term "*a reference level signal*", and that "*a reference level*" is not the

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same element of as the claimed "*a reference level signal*". Therefore, the language of the claim is definite.

Applicants note that the reference level signal *represents* the signal level of the one of the signals (e.g., one (for example, signal A) of the four signals (A-D) is used as the reference level signal) which the other signals are adjusted to be equal to (e.g., signals B-D are adjusted to be equal to the reference level signal, which represents signal A).

Thus, Applicants respectfully submit that claims 3 and 19 are clear and sufficiently definite to allow one of ordinary skill to know the metes and bounds of the invention.

Accordingly, the Examiner is requested to withdraw this objection.

III. FORMAL MATTERS AND CONCLUSION

Applicants respectfully reiterate the request for the Examiner to acknowledge receipt of and approve the drawing filed on April 26, 2002.

In view of the foregoing, Applicant submits that claims 2-9, 11-16, 18-26, 28, and 29, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: APRIL 27, 2005

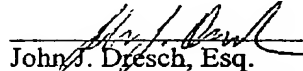

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Gautam Patel on April 27, 2005.


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